

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH  
TRENT LOTT, MISSISSIPPI  
OLYMPIA J. SNOWE, MAINE  
JON KYL, ARIZONA  
CRAIG THOMAS, WYOMING  
RICK SANTORUM, PENNSYLVANIA  
BILL FRIST, TENNESSEE  
GORDON SMITH, OREGON  
JIM BUNNING, KENTUCKY  
MIKE CRAPO, IDAHO

MAX BAUCUS, MONTANA  
JOHN D. ROCKEFELLER IV, WEST VIRGINIA  
KENT CONRAD, NORTH DAKOTA  
JAMES M. JEFFORDS (I), VERMONT  
JEFF BINGAMAN, NEW MEXICO  
JOHN F. KERRY, MASSACHUSETTS  
BLANCHE L. LINCOLN, ARKANSAS  
RON WYDEN, OREGON  
CHARLES E. SCHUMER, NEW YORK

## United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

KOLAN DAVIS, STAFF DIRECTOR AND CHIEF COUNSEL  
RUSSELL SULLIVAN, DEMOCRATIC STAFF DIRECTOR

February 23, 2006

The Honorable Emilio T. Gonzalez  
Director  
U.S. Citizenship and Immigration Service  
20 Massachusetts Avenue, NW  
Washington, D.C. 20529

Dear Director Gonzalez:

I am informed that Michael Maxwell, Director of the Office of Security and Investigations ("OSI") resigned last week because of his belief that he "will not be allowed" to transform OSI into "a capable security and investigative element" and that he "will not be allowed to carry out this charge nor address ... national security concerns[.]"

I am deeply concerned about the implications of this resignation for combating internal fraud and protecting national security at U.S. Citizenship and Immigration Services ("USCIS"). In light of Maxwell's attempts to report serious and systematic problems within USCIS and to Congress, his resignation also raises questions for USCIS about whistleblower protection issues. According to Maxwell, shortly after speaking with Congress, he faced a series of retaliatory personnel actions. The retaliation ranged from eliminating his eligibility for overtime pay to altering his office's duties and responsibilities regarding internal affairs investigations.

As you may recall, I wrote to you on January 6, 2006, to congratulate you on your new position as Director of USCIS and to inform you of my concerns about the ability of USCIS to deal with the issues of internal corruption and benefit fraud, especially as they relate to suspected terrorists and associates of terrorists exploiting our immigration system. In that letter, I also informed you of the several outstanding document requests and asked that the requests be complied with by February 1, 2006. I have yet to receive a written response.

As I previously explained, on September 8, 2005, the Judiciary Committee of the House of Representatives requested a briefing on these topics by Director Maxwell. My staff subsequently learned that this briefing was indefinitely postponed and that the Office of Congressional Affairs used Hurricane Katrina as an excuse for doing so, claiming that Director Maxwell would be in Louisiana dealing with the storm's aftermath when, in fact, he was not. Director Maxwell had been informed that he would not be briefing Congress and was instructed not to talk to Members.

On September 21, I wrote to Secretary Chertoff to express my concerns both with the possible fraud, abuse, and mismanagement at USCIS and with the fact that Congress

had been misled about Maxwell's availability for a briefing. I requested that Maxwell be made available to provide the first in a series of briefings for my investigative staff seeking the Secretary's assurances that any USCIS employees who chose to cooperate with my investigation would suffer no retaliation as a result. My staff, along with staff from the House and Senate Judiciary Committees interviewed Maxwell on September 29, 2005.

At the outset of the interview, my staff advised Maxwell that he had the right to speak directly to Congress or to a Committee of Congress without interference<sup>1</sup> and asked him if he would prefer to speak without other representatives from USCIS present. He indicated that since there were likely to be questions about internal affairs issues, he would be able to speak more freely without USCIS personnel present. After other USCIS personnel left the room, my staff provided Maxwell with a copy of Public Law 109-115, Section 618, which enunciates a government-wide prohibition on the use of appropriated funds to pay the salary of any federal official who prevents or attempts to prevent a federal employee from communicating with Congress.<sup>2</sup> When asked whether he was aware of any potential violations of this provision, Maxwell indicated that he was personally instructed not to talk to Members of Congress.

At the close of the interview, Maxwell was advised to inform my staff immediately if he believed that he had been subject to retaliation for his cooperation with Congress and/or for anything associated with the ongoing Congressional inquiry into internal corruption at USCIS and its ability to prevent immigration benefits from being improperly granted to terrorists and their associates.

Based on the information provided by Maxwell and others, I continue to be concerned that USCIS is not fully capable of executing this mission because of its focus on "customer service" to the exclusion of homeland security. My office has been contacted by multiple benefit adjudicators to report their own management's lack of

---

<sup>1</sup> 5 U.S.C. § 7211: "The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied."

<sup>2</sup> No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

concern for security and nearly exclusive focus on processing as many benefit applications as possible.

### *Alien Security Checks*

According to information provided to my staff, criminals and potential terrorists may be able to obtain immigration benefits or be permitted to remain in the United States illegally through a variety of questionable policy decisions by USCIS leadership. For example:

- (1) USCIS allows adjudicators to process benefit applications without complete FBI or CIA fingerprint checks on the assumption that the results are negative if there has been no response within 40 days;<sup>3</sup>
- (2) alien benefit applicants may obtain waivers of the fingerprint check requirement if they “are unable to provide fingerprints,” because of, among other things, “psychiatric conditions;”<sup>4</sup>
- (3) as of late September 2005, USCIS adjudicators handling applications for refugee/asylee travel documents were *not* required to compare the photograph of the applicant for the travel documents with the original photograph of the refugee or asylee, allowing illegal aliens to easily establish a false identity by obtaining such travel documents in the name of another;
- (4) according to an ICE intelligence report, USCIS has been “systematically” issuing multiple permanent resident alien cards to individuals with the same alien registration number, even though USCIS systems recorded the photos, fingerprints, and signatures so that it should have been obvious that all the applicants were not the same individual;<sup>5</sup>
- (5) service centers were instructed *not* to serve a Notice to Appear (“NTA”) on criminal aliens subject to mandatory detention<sup>6</sup> because of an unwillingness or inability to pay ICE to serve them; and
- (6) a search for a missing A-File that was being sought by a Joint Terrorism Task Force (“JTTF”) at one USCIS office recently resulted in the discovery of a stash of some 2,500 A-Files of aliens whose applications for benefits had been denied, but whose cases had not been turned over to ICE because USCIS personnel at that office decided to hide the files rather than pay ICE to serve the NTAs.<sup>7</sup>

---

<sup>3</sup> USCIS Operation Instruction 105.10.

<sup>4</sup> Attachment 1

<sup>5</sup> Attachment 2. The report states that if this vulnerability is not addressed it “will undermine the security of the U.S. immigration system and could have severe national security implications[.]”

<sup>6</sup> Section 236(c) of the Immigration and Nationality Act (“INA”) covers aliens who have been convicted of serious crimes.

<sup>7</sup> Attachment 3.

Part of the problem as it has been described to me is that adjudicators are not permitted to deny an application even though they are aware that a law enforcement agency has derogatory information about an applicant. Instead, they must independently obtain and assess the derogatory information to see if it makes the alien statutorily ineligible for a benefit. As of August 2005, 1,400 applications for immigration benefits that had generated national security hits on IBIS were sitting in limbo at headquarters because the adjudicators were unable to obtain the derogatory information that caused them to be flagged.

OSI, whose law enforcement personnel have the security clearances and the contacts necessary to obtain derogatory information on applicants, offered to assist adjudicators with these applications. Rather than utilizing OSI, however, USCIS leadership instructed the adjudicators to exclusively contact the Fraud Detection and National Security ("FDNS") unit. However, FDNS lacks law enforcement personnel, and therefore, it has been unable to obtain the necessary information from these outside agencies in some cases. Because of turf battles within USCIS, adjudicators are faced with a choice between granting the benefit with limited information about why a national security flag was raised versus asking someone at OSI to violate the direct order of the Acting Deputy Director in order to share critical information with them.

### ***Internal Security***

I also understand that as of January 1, 2006, OSI had a backlog of 2,700 internal affairs complaints, 15 percent of which are criminal on their face, and only 7 criminal investigators to handle them, two of whom are Assistant Directors. Allegations range from misuse of government property and bribery to espionage and undue influence by foreign governments (e.g., high-level USCIS employees being paid by foreign governments to grant or deny immigration benefits to nationals of that government). Some involve clear terrorism connections. Allegedly corrupt employees range from mail clerks to SES personnel in top leadership positions. For example, an attorney in the General Counsel's Office at USCIS/HQ was under investigation for misconduct when he was asked to write a legal opinion on whether OSI needs 1811-series criminal investigators, an apparent conflict of interest.

I have been told that in response to congressional and public attention to the backlog of complaints and the woefully inadequate resources OSI has been given to address it, the Acting Deputy Director and Chief of Staff of USCIS decided to go through the complaints themselves. The Chief of Staff took possession of the complaints placed an executive assistant in charge of deciding which were criminal and needed to be investigated, which should be closed administratively, and which required only a managerial inquiry. It is unclear what qualifications this person has to make these decisions or whether she was given any criteria upon which to make them. The complaints were turned back over to OSI the week of January 16, 2006. However, some 400 complaints have reportedly disappeared entirely and cannot be accounted for, and dozens of complaints farmed out to other units as administrative have since been referred back to OSI as criminal. I have been told that because OSI's requests to obtain a case-management system have been denied repeatedly, it has no way of knowing which complaints are missing.

## ***Whistleblower Protection***

Under 5 U.S.C. §2302(b)(8), a federal employee may not take any personnel action against an employee because of protected whistleblowing. Protected whistleblowing is defined as disclosing information which the discloser reasonably believes evidences: a violation of law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.

Maxwell provided such information to Congress on September 29, 2005, and on other occasions. Therefore, his rights should have been fully respected by USCIS. Instead, he claims that he faced retaliation and that he decided to tender his resignation rather than continue in a position where he was prevented from carrying out his duties and where he believed that further, more severe retaliation was eminent. It is a sad state of affairs when officials believe they must leave federal employment in order to report fraud and mismanagement relating to national security. I look forward to a full explanation from you about how you plan to address security issues at USCIS.

However, before we meet to discuss these issues on Thursday, March 2, 2006, I would appreciate a detailed written response to each of the concerns raised in this letter and a commitment to a date certain on which you will begin producing documents responsive to my requests. Any questions or concerns regarding this matter should be directed to Jason Foster at (202) 224-4515. *All formal correspondence should be sent via facsimile to (202) 228-0554 and original by U.S. mail.*

Sincerely,



Charles E. Grassley  
Chairman

cc: Secretary Michael Chertoff  
Department of Homeland Security

Inspector General Richard L. Skinner  
Department of Homeland Security

Attachments

# **Attachment 1**



**U.S. Department of Justice**  
Immigration and Naturalization Service

HQISD 70/28

---

425 I Street NW  
Washington, DC 20536

July 20, 2001

MEMORANDUM FOR REGIONAL DIRECTORS

FROM: Michael Pearson, /s/ Joseph D. Cuddihy  
Executive Associate Commissioner,  
Office of Field Operations

SUBJECT: Fingerprint Waiver Policy for All Applicants for Benefits under the  
Immigration and Naturalization Act and Procedures for Applicants Whose  
Fingerprint Responses Expire after the Age Range during Which  
Fingerprints are Required

I. Fingerprint Waiver Policy for All Applicants for Benefits under the Immigration  
and Naturalization Act

Public Law 105-119 requires that the Immigration and Naturalization Service (INS) receive confirmation from the Federal Bureau of Investigation (FBI) that a full criminal background check has been completed before adjudicating a naturalization application. At this time, the FBI makes this type of confirmation only in response to queries made by submitting fingerprints.

On December 1, 1997, Paul W. Virtue, as the Acting Executive Associate Commissioner, Office of Programs issued a Policy Memorandum that stated:

The purpose of this memorandum is to advise you that the policy regarding fingerprint check integrity found in the May 23, 1997 Naturalization Quality Procedures (NQP) memorandum now also applies to the following benefit-seeking applications and petitions requiring agency checks: Application for Status as a Permanent Resident (I-485); Request for Asylum in the United States (I-589); Registration for Classification as a Refugee 9I-590); Petition to classify Orphan as Immediate Relative (I-600);

Application for Advance Processing of Orphan Petitions (I600A); application for Status as a Temporary Resident (I-687); Application for Temporary Resident Status as a Special Agricultural Worker (I-700); Application for Voluntary Departure Under Family Unity Program (I-817); and, Application for Certification as a Designated Fingerprint Service (I-850). For more information, refer to part III, pages 3 to 11, of the May 23, 1997 NQP memorandum.

Please note that page 4 part B of the NQP memorandum indicates that an FBI response regarding fingerprint clearances is required before any naturalization applicant who is required to submit a fingerprint card may be scheduled for an interview. This does not apply to the above list of benefit-seeking applications. You still are authorized to proceed with the interview of adjustment, asylum, and orphan petitioners.

Since the publication of this directive, the INS has made minor changes to this directive. The NQP program is now published as NQP4 dated June 5, 1998. The Fingerprint Check Integrity is still in part III from pages 4 to 14. The Application for Certification as a Designated Fingerprint Service (I-850) was discontinued on March 17, 1998. The Application for Suspension of Deportation or Special Rule Cancellation of Removal (pursuant to section 203 of pub. L. 105-100 (NACARA)) (I-881) has come into use since May 1, 1999. The December 1, 1997 directive is still in force.

There are a small number of applicants for naturalization who have disabilities that render them unable to be fingerprinted. The Rehabilitation Act requires in certain instances that all federal agencies make reasonable accommodations for people with disabilities. Therefore, policy memorandum # 60, "Fingerprint Waiver Policy for Naturalization Applicants who are Unable to be Fingerprinted" was issued on November 15, 1999. This memorandum established a fingerprinting waiver for certain naturalization applicants with disabilities who are unable to provide fingerprints or are unable to provide legible fingerprints. This memorandum also provided guidance on the procedures for waiving the fingerprinting requirement and alternative procedures for determining whether the applicant meets the good moral character eligibility requirement.

This current memorandum expands Policy Memorandum #60 to standardize fingerprint waivers for all applicants and petitioners applying for benefits who are disabled, in accordance with the December 1, 1997 instructions that all benefit-seeking applications and petitions follow the policy regarding fingerprint integrity found in NQP.

#### Waiver Eligibility

A small number of applicants, for various reasons, are unable to provide fingerprints. These reasons may include, but are not limited to, birth defects, physical deformities, skin conditions and psychiatric conditions.



Only an INS officer responsible for overseeing applicant fingerprinting is authorized to waive the fingerprinting requirement. An INS officer may grant a waiver only after he or she:

1. Has personally seen the applicant;
2. Has attempted to fingerprint the applicant **or** has observed a fingerprint technician employed by INS attempt to fingerprint the applicant; and
3. Determines that the applicant cannot be fingerprinted at all **or** cannot provide a single legible fingerprint.

A fingerprinting waiver may never be granted simply because an individual has fewer than 10 fingers. The FBI can produce a criminal background record for an individual who provides fewer than 10 fingerprints. A waiver may only be granted when an INS officer determines that an applicant can provide **no fingerprints. The waiver must not be granted solely because it appears that the prints will be unclassifiable.** In addition, a fingerprinting waiver may never be granted if the reason an individual cannot provide fingerprints or cannot provide legible fingerprints is due to a temporary condition. The decision of the INS officer not to grant a fingerprinting waiver is final and may not be appealed.

#### Waiver Procedure

Only an INS Application Support Center (ASC) manager, an INS officer supervising a mobile fingerprinting route or an INS officer acting in the capacity of an ASC manager may grant a fingerprinting waiver. Therefore, all individuals, including individuals who believe they qualify for a fingerprinting waiver, must still be scheduled for and appear for fingerprinting at an INS-designated location.

The determination that an applicant or petitioner is unable to provide fingerprints because of a physical inability to do so normally is beyond any doubt. If there is a question regarding the possibility of fingerprints being taken, fingerprints should be taken. The determination regarding the fingerprinting of applicants or petitioners who have accessible fingers but on whose behalf a claim is made that they cannot be fingerprinted for physiological reasons can be far less certain. Unless the ASC manager is certain of the *bona fides* of the inability of the person to be fingerprinted, the ASC manager should request that reasonable documentation be submitted by a Psychiatrist, a licensed Clinical Psychologist or a medical practitioner who has had long-term responsibility for the care of the applicant/petitioner.

If an ASC manager or other authorized INS officer grants a fingerprinting waiver, he or she must:

1. Note on the applicant's fingerprint notice that a fingerprinting waiver is granted;
2. On the fingerprint notice sign his or her name and the date the waiver is granted;
3. Describe on the fingerprint notice the condition that prevents fingerprinting the

- applicant;
4. Give the applicant a copy of the annotated fingerprint notice and a notice to bring local police clearances to his or her examination or interview (copy of Police Clearance Notice attached); and
  5. Forward the annotated fingerprint notice and a copy of the Police Clearance Notice to the service center.

When a service center receives a waiver-annotated fingerprint notice and Police Clearance notice, the notices must be retained with the corresponding application.

For N-400 applications, the service center, or the local office if the file was shipped before the completion of normal procedures pursuant to Policy Memo # 53, must circle "Waived" in the Remarks section of the FD-258 Control Number line of the N-650A and annotate "Policy Memo # 80" in the Remarks. After the service center, or local office, has completed all file transfer procedures and other Naturalization Quality Procedures (NQP) requirements for the application, the fingerprint waiver must be updated in CLAIMS 4 to allow the applicant to be scheduled for a naturalization examination.

For I-485 applications, the service center or the local office that has the application must annotate "Waived" in the "Yes" box of the "Stage 1" column of the I-485 Fingerprint (NQP) Quality Review Checklist and annotate "Policy Memo # 80" directly above this box.

If an applicant or petitioner is scheduled for fingerprinting at a designated law enforcement agency (DLEA), and the DLEA believes the applicant cannot be fingerprinted, the DLEA must refer the applicant to an INS fingerprinting location to complete the procedure described in this section.

#### Procedure at time of Examination or Interview

An applicant or petitioner who is granted a fingerprinting waiver must bring local police clearances to his or her examination or interview. The local police clearances must be retained with the application or petition. In addition to the local police clearance, the INS officer conducting the examination or interview must execute the sworn statement found in attachment # 7 to the NQP4 memorandum.

## II. Procedures for Applicants Whose Fingerprint Responses Expire After Their 75<sup>th</sup> or 79<sup>th</sup> Birthday

All persons except the small number covered in Part I of this memorandum who are between their 18<sup>th</sup> and 75<sup>th</sup> birthday at the time of filing an N-400, Application for Naturalization or between their 14<sup>th</sup> and 75<sup>th</sup> birthday or their 14<sup>th</sup> and 79<sup>th</sup> when filing other benefit-seeking applications or petitions, depending on the requirements of the

specific application or petition, that requires a fingerprint check must submit a properly executed FD-258.

Immigration Service Operating Instruction 105.10(a) requires that the response to the background check be within 15 months of the granting of any benefit that requires a background check. At this time, if a response "expires" by the passing of 15 months the desired benefit cannot be granted without a new background check being conducted. For the vast majority of applicants and petitioners, this requires the submission of a new FD-258.

As of the date of this memorandum, any applicant or petitioner filing before his or her 75<sup>th</sup> or 79<sup>th</sup> birthday, depending on the requirements of the specific application or petition, whose FD-258 received a response of 1) NONIDENT, 2) no record found by FBI conducting search based on unclassifiable FD-258, or 3) IDENT only for immigration violations that did not go to a court other than an Immigration Court will not automatically be required to submit a new FD-258 if the earlier response has "expired" after the person's 75<sup>th</sup> or 79<sup>th</sup> birthday. The applicant or petitioner should be given the option of either submitting new fingerprints or submitting police clearances from every jurisdiction where he or she has resided since the last background check was conducted.

All persons whose previous FD-258 submission resulted in an IDENT response from the FBI that included criminal charges should be required to submit a new FD-258 if the application or petition being adjudicated was filed before the person's 75<sup>th</sup> or 79<sup>th</sup> birthday. This memorandum does not remove the adjudicating office's discretion to request the submission of a new FD-258 in any case, in which this request appears to be warranted.

This procedure is effective for all applications and petitions that have not received a final adjudication as of the date of this memorandum.

## **Attachment 2**

Office of Intelligence

U.S. Department of Homeland Security  
425 I Street, NW  
Washington, DC 20536



## U.S. Immigration and Customs Enforcement

December 16, 2005

MEMORANDUM FOR: DON CROCETTI, DIRECTOR  
US CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) FRAUD  
DETECTION AND NATIONAL SECURITY

FROM: CYNTHIA O'CONNELL, ACTING DIRECTOR  
OFFICE OF INTELLIGENCE

SUBJECT: USCIS ISSUANCE OF MULTIPLE PERMANENT RESIDENT CARDS  
TO DIFFERENT INDIVIDUALS

On December 13, 2005, the Southwest Field Intelligence Unit (SWFIU) issued a Homeland Security-Intelligence Report (HSIR SWFIU-TUC-013-06; TECS II Record 06KQHIZ00019), describing the identity theft of legitimate Mexican nationals by illegal aliens (Mexican nationals) in the United States using stolen and/or altered Mexican passports. Intelligence developed by the SWFIU identified a systematic problem regarding the issuance of multiple Permanent Resident Cards (Form I-551) to individuals using the same Alien Registration Number (ARN).

Of particular interest outlined in the HSIR is the issuance of multiple Permanent Resident Cards to different individuals all using the same ARN. Specifically, seven Permanent Resident Cards were issued to different individuals using the name Daniel GARCIA [REDACTED], all providing the same ARN. These documents were issued to the different individuals, all of whom provided photographs, fingerprints, and signature. These transactions were captured in the USCIS Image Storage and Retrieval System (ISRS), a web-based computer system used to manage and capture photographic images, fingerprints and signatures of legitimate applicants for immigration benefits. The SWFIU retrieved all the captured data in ISRS depicting the issuance of the multiple Permanent Resident Cards to obviously different individuals.

Based on the information developed by the SWFIU, it is apparent that the USCIS overall process of verification, issuance, and subsequent management of the Permanent Resident Cards is vulnerable. This vulnerability if allowed to continue without modification, will undermine the security of the US immigration system and could have severe national security implications by allowing unscrupulous individuals to enter the US wrongfully obtain Permanent Resident Cards, as proof of identity and legitimacy in the United States.

Attachment  
SWFIU HSIR TUC-013-06

Cc: Acting Assistant Security John P. Clark

## **Attachment 3**

I just wanted to update you on an issue I became aware of back in October of 2005. I was informed that there was a "file" room at the CIS, Philadelphia District Office (PHL) that contained a large number of alien files (est. at 2,000). An ICE employee found the room while searching for a file that the JTTF needed. It is my understanding that the majority of these files were for aliens from countries of interest. I also understand that these files have been building up for several years. The ICE employee said that through conversations with CIS personnel, they gleaned that these files contained a variety of immigrant applications that were referred from CIS to ICE OI for issuance of a NTA and were subsequently returned without action. From what I have been able to gather, CIS claimed that ICE was charging an exorbitant fee for processing of the cases through EOIR. Therefore, they stopped putting people into proceedings directly (CIS issues the NTA) or CIS stopped referring the cases to ICE OI. This resulted in hundreds of files sitting in limbo with no process moving them forward. It was my understanding that a national MOU was being worked out between ICE and CIS to deal with this issue in October 2005. I am unaware of a MOU going into effect to this date.

The National Security ramifications surrounding this are ominous. As you can imagine, this plays right into the hands of foreign-born nationals who wish to stay in the United States, while they work on another "petition", find another wife or circumstance that allows them to stay or adjust status. This limbo status puts us into a terrible position, especially when superimposed on the status profiles of the 9-11 hijackers. I would also suggest that this is potentially a national problem not restricted to Philadelphia. CIS will be the sacrificial lamb when a national security issue arises with this connection.

It has come to my attention, that due to construction at Philadelphia, these files were moved throughout the District last week, in part and remains in "limbo".